IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 21494 of 2004

Between:

The Shadikhana Urdu Ghar Development Committee, Choutuppal, Nalgonda District. rep.by its Chairman M.D.Haneef, S/o.Magdum Sab, R/o.H.o.5-18, Bangargudda Street, Choutuppal, Nalgonda District.

.... PETITIONER

AND

1 The District Collector, Nalgonda District, Nalgonda.
2 The Mandal Revenue officer, Choutuppal Mandal, Nalgonda

District.
3 Sri M.A.Karim, S/o.Bandeli Sab,
R/o.B.C.Colony, Choutuppal village, Nalgonda District.
4 M.D. Zaheer,
R/o.Bangarigadda, Coutuppal Village, Nalgonda District.
5 M.D.Ejaz, S/o.Ismaial Sab,
R/o.Bangarigadda, Coutuppal Village, Nalgonda District.
6 Smt. Zareena Begam, W/o.Late Waheed,
R/o.Bangarigadda, Coutuppal Village, Nalgonda District.
7 Dr.Gillani Khan, S/o.Ameer Khan,
R/o.Bangarigadda, Coutuppal Village, Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or direction more particularly in the nature of writ of Mandamus declaring the action of the Respondent No.1 in appointing the New Committee for the "Urdu Ghar cum Shadikhana" Choutuppal village, Nalgonda District vide proceedings

No.Wakfs/902/2003, dated 31-10-2004 as illegal, arbitrary and against the principles of Natural Justice and pass such other order or orders as the Hon'ble Court may deems fit and proper in the interests of justice.

Counsel for the Petitioner: MR.K.VENKATA REDDY

Counsel for the Respondent No.1 &2: GP FOR REVENUE

The Court made the following:

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ORDER:

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The petitioner is a Development Committee appointed for maintenance of Shadikhana at Choutuppal. The petitioner-committee was appointed through proceedings dated 20-10-2002 by the District Collector, Nalgonda, the 1st respondent. The petitioner challenges the proceedings dated 31-10-2004, appointing the respondents 3 to 7 as members of a new committee.

Learned counsel for the petitioner submits that the petitioner committee took charge on 14-05-2004, and it is only from that date, that it started managing the affairs of the Shadikhana. He submits that the Shadikhana, was under construction up to that date, and the effective term of the petitioner committee should be reckoned from 14-05-2004, and the appointment of the new committee cannot be sustained in law.

Learned Government Pleader for Revenue, on the other hand, submits that the term of the petitioner committee was two years from the date of order, and there is no ambiguity as to the commencement of the term. He submits that the new committee has already taken charge, and no interference is called for.

In the order dated 20-10-2002, whereunder the petitioner committee was constituted, the term was clearly stated as under:

> "Hence the maintenance and management Committee is approved with the following local Muslims for a period of (2) years "from the date of issue of this orders"

Once this is so, there is absolutely no ambiguity as to the commencement of the term. The question as to whether the petitioner took charge immediately after being appointed, or at a later point of time, hardly becomes relevant. Therefore, once the term of the committee had expired, the 1st respondent is entitled to constitute a new committee, and no exception can be taken to the order under challenge. Hence, the writ petition is dismissed.

Learned counsel for the petitioner submits that the new committee is defective, inasmuch as the member from Urdu Academy is not associated with it. If the same is so, fatal as to render the appointment of other members invalid, the petitioner can certainly initiate action in accordance with relevant provisions, dealing with the appointment of such committees. There shall be no order as to costs.

Sd/-

ASSISTANT REGISTRAR

Dt.29-11-2004.

KO

To

1 The District Collector, Nalgonda District, Nalgonda.
2 The Mandal Revenue officer, Choutuppal Mandal, Nalgonda

District.
3 2 CCs to G.P for Revenue, High Court Buildings, Hyd. (OUT)

4 2 CD copies